

### **REMARKS**

Claims 4, 7, and 11-12 were indicated as having allowable subject matter but were objected to as depending from rejected claims.

Claims 1-3, 5-6 and 8-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over JP 07179717A (Abstract) in view of Jackson et al. (U.S. 6,730,401). This rejection is respectfully traversed below and reconsideration is requested.

The JP 07179717A discloses a thermoplastic resin composition for use in covering wire. The composition is a 3 polymer blend of modified polypropylene, aromatic polyester and chlorinated PVC. The chlorinated PVC enhances flame retarding which is important for electrical wire coatings.

The JP reference also discloses that the 3 way polymer blend composition is useful for heat resistant pipes as well as other uses. The multilayer pipe recited in Applicants' claims is very different from the JP reference. The layers of the multilayer pipe in Applicants' claims are layers of different polymer compositions as opposed to a pipe of one layer having the polymers blended together. Applicants' pipe has an inside layer (annular core) of a CPVC composition which can have less than 25% by weight of PVC. This annular core takes advantage of the excellent chemical, hot water, and oxidation resistance of CPVC. The outer layer of a copolyester elastomer is flexible which allows the entire pipe to be flexible. The outer and inner layer are compatible such that when co-extruded there are cohesively bonded together. The copolyester elastomer by itself would disintegrate in prolonged contact with hot (95°C) water. The CPVC inner core protects the copolyester elastomer from the water because the water inside the pipe only comes in contact with the CPVC layer.

Applicants do not use a blend of polyester and CPVC for their multilayer pipe but rather distinctive layers with each layer being different materials (CPVC inner core and copolyester elastomer for outer layer). The JP reference does not suggest a multilayer pipe having different

compositions in each layer but rather suggests a pipe made from a polymer blend of different polymers.

The reference Jackson et al. (U.S. 6,730,401) discloses a multilayer packaging material which has electrostatic properties. The outer layer in the sheet disclosed by Jackson et al. are also polymer blends which can have copolyester polymer, but must also have another polymer to give the layer electrostatic dissipative properties (IDP or ICP polymers). The core layer of the Jackson et al. sheet is a matrix polymer, which could be almost any polymer including copolyester and CPVC, but also has conductive fillers blended with the non-conductive matrix polymer. The core layer of Jackson et al. can also achieve their need for being conductive by blending an inherently conductive polymer (ICP) with the matrix polymer.

The reference Jackson et al. deals with making sheets having electrostatic dissipative properties and not with making a multilayer pipe. Jackson et al.'s layers contain blends of different polymers. One skilled in the art of making pipes would not look to a reference such as Jackson et al. which teaches electrostatic sheets.

When combining the teachings of the JP reference with Jackson et al., one can learn that a pipe (electrical conduit) can be made from a three-way polymer blend where 2 of the polymers in the blend are aromatic polyester and CPVC. Then, considering the Jackson et al. reference, one can learn that multilayer electrostatic sheets can be made where the layers can have polymer blends and one of the polymers can be a polyester or can be CPVC. Jackson et al. does teach that the outer layer can be a polyester polymer but that another polymer must be mixed with the polyester polymer to make it be electrostatic dissipative.

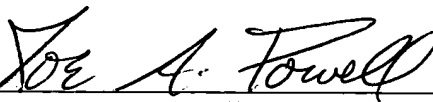
The references taken together do not suggest a multilayer pipe, much less a multilayer pipe having a CPVC core and an outer layer of copolyester. The JP reference only mentions a single layer pipe. The single layer pipe of the JP reference would not be desirable if made from the compositions of Jackson et al. An electrical conduit pipe should be insulating and not conduct electricity as do the compositions of Jackson et al. One wishing to make a pipe like

disclosed in the JP reference would not want to place a conductive layer on the pipe. Even if one were to extrude in pipe form and put the composition of Jackson et al. as another layer on the composition of the JP reference, the resulting pipe would not be similar to Applicants multilayer pipe. The inner core would not be a CPVC layer but rather a 3-way polymer blend. The outer layer would also be a 2-way polymer blend.

In summary, the combined teachings of the JP reference and Jackson et al. do not teach or suggest the multilayer pipe as claimed by Applicants. It is submitted that Applicants' claims are unobvious over the combined teachings of the JP reference and Jackson et al. The rejection of claims 1-3, 5-6, and 8-10 have been traversed and the Examiner is hereby requested to reconsider the 35 U.S.C. §103(a) rejection and allow the claims.

Respectfully submitted,

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Date: JANUARY 25, 2005  
200TR388Amd.doc